

# Notice of Allowability

Application No.

10/044,119

Examiner

Fritz Alphonse

Applicant(s)

FITCH ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Examiner's Amendment filed on May 25, 2007.
2. ☒ The allowed claim(s) is/are 44-69 and 78-105.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 5, 7, 9
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

*Jacques Louis Jacques*  
JACQUES LOUIS JACQUES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with George S. Blasiak, Reg. No.: 37,283, on May 25, 2007.

2. The Application has been amended as follows:

Cancel claims 70-77.

3. The Applicants consented to the suggested Examiner amendments to cancel claims 70-77 on the condition that the Examiner acknowledge on the record that the consent to cancel was given for purposes of expediting an allowance and was being made without prejudice or disclaimer. During the interview, the Examiner further acknowledged the free right of the applicants to pursue claims directed to the subject matter of the canceled claims in a related application, e.g., a continuing application.

***Allowable Subject Matter***

4. After further search and thorough examination of the present application and in view of the prior art of record, claims 44-69 and 78-115 are found to be in condition for allowance.

***Reason for Allowance***

5. The following is an examiner's statement of reasons for allowance: The present invention relates to an ergonomically designed multifunctional transaction terminal for use in various transactions such as transactions involving credit cards, debit cards, and customer loyalty cards.

To achieve this inventive goal, independent claims 44, 64, 78, 89 identify the distinct features "a housing encapsulating a control circuit and components of a credit card reader unit, said housing further supporting said touch screen, wherein said housing further includes a base and a top surface, said touch screen being disposed at said top surface, said housing further defining said slot of said card reader unit and further including a circumferential lip extending at least one of outwardly sideward or outwardly forward from said base, said circumferential lip extending about a perimeter of said housing, wherein said housing further has disposed thereon a holder apparatus for holding a stylus for use in entering data into said transaction terminal."

Independent claim 95 identifies the distinct features "said housing further defining said slot of said insert style card reader unit and further including a circumferential lip extending outwardly from said base, said circumferential lip extending at least one of sideward or forward from said base, said circumferential lip having a first portion extending continuously from a front of said housing to a left rear of said housing, wherein a vertical cross section of said first portion throughout a length thereof defines a generally semicircle shaped surface extending outwardly from an interior of said housing and then extending inwardly toward an interior of said housing

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moving in a direction upwardly on said terminal, wherein a lower portion of said generally semi-circled shaped surface is defined by said lower mold and wherein an upper portion of said generally semicircle shaped surface is defined by said upper mold..."

6. Cited reference, Kapp (U.S. Pat. No. 5,297,202) discloses an apparatus and method for producing a digitized transaction record including an encrypted signature. The second cited reference, Levie (U.S. Pat. No. 6,065,679) discloses a modular transaction terminal.

However, the features disclosed in the instant application (No. 10/044,119) are neither anticipated nor render obvious by the prior art of record.

These limitations, in conjunction with all other limitations of the base claims were not shown by, would not have been obvious over, would not have been fairly suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

**or faxed to:** (703) 872-9306 for all formal communications.

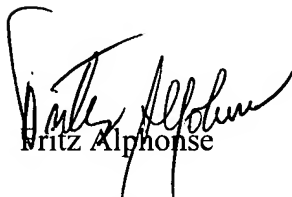
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques, can be reached at (571) 272-6962.

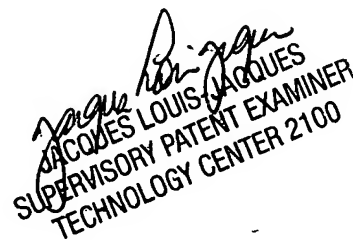
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3824

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Fritz Alphonse

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May 16, 2008

  
JACQUES LOUIS-JACQUES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100